

**IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

DAVID PAGE,

Plaintiff,

v.

Docket No. CT-002948-18

JURY DEMANDED

JOSHUA CONLEY,

Defendant.

FIRST AMENDED COMPLAINT

COMES NOW the Plaintiff, by and through the undersigned attorneys of record, and for cause against the Defendant, would respectfully state as follows:

PARTIES

1. Plaintiff David Page is an adult resident of Tate County, Mississippi.
2. Upon information and belief, Defendant Joshua Conley is an adult resident of Shelby County, Tennessee residing therein at 4765 Allrand Road Memphis, TN 38118.

VENUE AND JURISDICTION

3. Venue is proper in Shelby County.
4. This Court has jurisdiction.
5. This Complaint was filed within the applicable statute of limitations.
6. Defendant Joshua Conley was properly served with process.

FACTUAL ALLEGATIONS

Plaintiff incorporates by reference as if fully set forth verbatim each and every allegation in the Complaint.

7. This cause of action arises from an automobile collision between an automobile owned and operated by Plaintiff David Page and an automobile owned by Vanita Jones and operated by Defendant Joshua Conley.

8. This collision occurred on or about December 20, 2017, at approximately 10:06 a.m., on Shelby Drive near Delp Street in Shelby County, Tennessee.

9. On or about December 20, 2017, at approximately 10:06 a.m., Plaintiff David Page was driving his vehicle westbound on Shelby Drive.

10. On or about December 20, 2017, at approximately 10:06 a.m., Defendant Joshua Conley was driving his vehicle eastbound on Shelby Drive.

11. On or about December 20, 2017, at approximately 10:06 a.m., Defendant Joshua Conley traveled into the opposite lanes of traffic and crashed his vehicle head-on into Plaintiff David Page's vehicle.

12. As a direct and proximate result of the collision, Plaintiff David Page sustained severe and permanent injuries that otherwise would not have occurred.

13. Upon information and belief, Defendant Joshua Conley was under the influence of drugs at the time of the collision.

14. Upon information and belief, due to the influence of drugs, Defendant Joshua Conley's judgment was substantially impaired at the time of the collision.

15. Upon information and belief, Defendant Joshua Conley's substantially impaired judgment caused the severe and permanent injuries to Plaintiff David Page.

16. At all times material hereto, Plaintiff David Page was operating his vehicle in a lawful, prudent, and cautious manner and was in no way at fault.

17. At the time of the collision, Defendant Joshua Conley was required to pay attention to the road and to other vehicles at all times.

18. At the time of the collision, Defendant Joshua Conley was required to operate his vehicle with the degree of care and caution of a reasonable and prudent person under similar circumstances.

19. After the collision, Defendant Joshua Conley intentionally destroyed information on his phone in an attempt to wrongfully evade liability for the collision.

20. After the collision, Defendant Joshua Conley intentionally failed to preserve his phone and/or concealed his phone in an attempt to wrongfully evade liability for the collision.

21. Defendant Joshua Conley's phone contained material evidence pertaining to the collision.

LIABILITY

Plaintiff incorporates by reference as if fully set forth verbatim each and every allegation in the Complaint.

22. Defendant Joshua Conley had a duty to use ordinary and reasonable care under the circumstances that existed at the time of the wreck.

23. Defendant Joshua Conley breached his common law duty of care to use ordinary and reasonable care under the circumstances that existed at the time of the wreck in each of, but

not limited to, the following ways:

- a. Failure to operate his vehicle with the degree of care and caution required of a reasonable and prudent person under similar circumstances;
- b. Failure to maintain the vehicle he was operating under due and reasonable control;
- c. Failure to maintain a due and proper lookout in the direction he was driving;
- d. Failure to exercise care for the safety of other drivers;
- e. Failure to devote full time and attention to the operation of a motor vehicle; and
- f. Failure to pay attention to the road and to other vehicles at all times.

24. Defendant Joshua Conley was guilty of violating the following statutes and rules of the road of the State of Tennessee, each of which was in full force and effect at the time of the collision, each violation constituting negligence per se:

- a. T.C.A. Section 55-8-115 Driving on the right side of roadway;
- b. T.C.A. Section 55-8-103 Required obedience to traffic laws-Penalty;
- c. T.C.A. Section 55-8-123 Driving on roadways laned for traffic; and
- d. T.C.A. Section 55-8-136 Drivers to exercise due care.

25. Defendant Joshua Conley was guilty of violating the following ordinances and rules of the road of Shelby County, Tennessee, each of which was in full force and effect at the time of the collision, each violation constituting negligence per se:

- a. Sec. 24-116 Duty to devote full time and attention to operating vehicle;
- b. Sec. 24-117 Duty to drive at safe speed, maintain lookout and keep vehicle under control;

c. Sec. 24-122 Duty to drive on the right side of roadway; and

d. Sec. 24-129 Driving on divided streets;

26. Defendant Joshua Conley was guilty of violating the following ordinances and rules of the road of Memphis, Tennessee, each of which was in full force and effect at the time of the collision, said violations constituting negligence per se:

a. Sec. 11-16-2 Duty to devote full time and attention to operating vehicle;

b. Sec. 11-16-3 Duty to drive at safe speed, maintain lookout and keep vehicle under control;

c. Sec. 11-16-8 Duty to drive on right side of roadway;

d. Sec. 11-16-14 Driving on roadways laned for traffic;

e. Sec. 11-16-15 Driving on divided streets; and

f. Sec. 11-16-44 Reckless driving;

27. Each of the aforementioned acts and omissions of Defendant were a direct and proximate cause of the collision and injuries described herein.

DAMAGES

Plaintiff incorporates by reference as if fully set forth verbatim each and every allegation in the Complaint.

28. As a direct and proximate result of the negligent acts and omissions of Defendant Joshua Conley alleged herein, Plaintiff David Page was injured and damaged. The injuries and damages for which Plaintiff David Page seeks compensation from the Defendant includes, but are not limited to:

a. physical pain and suffering of a past, present, and future nature;

- b. emotional pain and suffering of a past, present, and future nature;
- c. permanent impairment;
- d. medical bills and expenses of a past, present, and future nature;
- e. loss of earnings and earning capacity;
- f. loss of enjoyment of life;
- g. post-judgment interest
- h. statutory and discretionary costs; and
- i. all such further relief, both general and specific, to which he may be entitled under the premises.

PUNITIVE DAMAGES

Plaintiff incorporates by reference as if fully set forth verbatim each and every allegation in the Complaint.

29. The acts and omissions of the Defendant alleged herein constitute intentional, fraudulent, malicious, and/or reckless conduct. Accordingly, Plaintiff is entitled to an award of punitive damages.

PRAYERS FOR RELIEF

Plaintiff incorporates by reference as if fully set forth verbatim each and every allegation in the Complaint.

30. WHEREFORE, PREMISES CONSIDERED, Plaintiff David Page sues the Defendant for his personal injuries and prays for a judgment against the Defendant for compensatory damages in an amount considered fair and reasonable by a jury, and that exceeds Twenty-Five Thousand Dollars (\$25,000.00), and for all such further relief, both general and specific, to which

he may be entitled under the premises.

31. WHEREFORE, PREMISES CONSIDERED, Plaintiff David Page sues the Defendant for his personal injuries and prays for a judgment against the Defendant for punitive damages in an amount considered fair and reasonable by a jury, and that exceeds Twenty-Five Thousand Dollars (\$25,000.00), and for all such further relief, both general and specific, to which he may be entitled under the premises.

32. **A JURY IS RESPECTFULLY DEMANDED.**

Respectfully submitted,

BAILEY & GREER, PLLC

/s/ Josh Cannon

Thomas R. Greer (#24452)

Josh Cannon (#35073)

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CERTIFICATE OF SERVICE

I, Josh Cannon, hereby certify that a true and accurate copy of the foregoing has been served upon the persons below by operation of the Court's electronic case filing system on March 2, 2022.

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/s/Josh Cannon